

201 KAR 10:030. Code of ethics.

RELATES TO: KRS 323A.110

STATUTORY AUTHORITY: KRS 323A.210(2)(b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 323A.110(1)(b) authorizes the board to discipline a licensee for unprofessional conduct. KRS 323A.210 authorizes the board to adopt reasonable administrative regulations not inconsistent with KRS Chapter 323A but which are necessary to carry out the provisions of KRS Chapter 323A. This code of ethics is intended to establish guidelines for the determination of unprofessional conduct by landscape architects practicing in the state and for the protection of the public they will be serving.

Section 1. Code of Ethics. (1) A violation of this code of ethics shall be considered unprofessional conduct pursuant to KRS 323A.110(1)(b).

(2) The landscape architect shall conduct his practice in order to protect the life, health, property and welfare of the public and shall at all times recognize that his primary obligation is to protect the life, health, property and welfare of the public in the performance of his professional duties. If his landscape architectural judgment is overruled under circumstances where the safety, health and welfare of the public are endangered, he shall inform his employer of the possible consequences and notify any other proper authority of the situation, as may be appropriate.

(3) The landscape architect shall perform his services only in areas of his competence.

(a) The landscape architect shall perform landscape architectural assignments only when qualified by education or experience in the specific technical field of professional landscape architecture involved;

(b) The landscape architect may accept an assignment requiring education or experience outside of his own field of competence, but only to the extent that his services are restricted to those phases of the project in which he is qualified. All other phases of that project shall be performed by qualified associates, consultants, or employees;

(c) The landscape architect shall not affix his signature or seal to any landscape architectural plan or document dealing with subject matter to which he lacks competence by virtue of education or experience, or to any such plan or document not prepared under his direct supervisory control; and

(d) It shall be the responsibility of the licensee to demonstrate competence in the specific technical field in which the licensee is practicing.

(4) The landscape architect shall be completely objective and truthful in all professional reports, and shall include all relevant and pertinent information in those reports.

(5) The landscape architect shall avoid conflicts of interest:

(a) The landscape architect shall avoid all conflicts of interest with his employer or client and shall promptly inform his employer or client of any business association, interests, or circumstances which could influence his judgment or the quality of his services;

(b) The landscape architect shall not accept compensation, financial or otherwise, from more than one (1) party for services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to, by all interested parties;

(c) The landscape architect shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products;

(d) The landscape architect shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with his client or employer in connection with work for which he is responsible;

(e) When in public service as a member, advisor, or employee of a governmental body or department, the landscape architect shall not participate in considerations or actions with respect to services provided by him or his organization in private landscape architectural practices;

(f) The landscape architect shall not solicit or accept a landscape architectural contract from a governmental body on which a principal or officer of his organization serves as a member; or

(g) The landscape architect shall not attempt to supplant another landscape architect after definite steps have been taken by a client toward the latter's employment and he shall not accept a commission for which another landscape architect has been employed without first conclusively determining that the latter's employment has been terminated.

(6) The landscape architect shall solicit or accept work only on the basis of his qualifications.

(a) The landscape architect shall not offer to pay, either directly or indirectly, any commission, political contribution, or a gift, or other consideration in order to secure work, exclusive of securing salaried positions through employment agencies.

(b) The landscape architect shall seek professional employment on the basis of qualification and competence for proper accomplishment of the work.

(c) The landscape architect shall not falsify or permit misrepresentation of his, or his associates', academic or professional qualifications. He shall not misrepresent or exaggerate his degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or his or their past accomplishments with the intent and purpose of enhancing his qualifications and his work.

(7) In the practice of landscape architecture, a landscape architect shall associate only with reputable persons or organizations.

(a) The landscape architect shall not knowingly associate with or permit the use of his name or firm in a business venture by any person or firm which he knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature, or in violation of these administrative regulations; or

(b) If the landscape architect has knowledge or reason to believe that another person or firm may be in violation of any of these provisions or KRS Chapter 323A, he shall present that information to the board in writing and shall cooperate with the board in furnishing any further information or assistance as may be required by the board. (1 Ky.R. 593; eff. 4-9-75; Am. 16 Ky.R. 1234; eff. 2-3-90; 29 Ky.R. 1003; 1521; eff. 12-18-02.)